RFA No. 264 of 2003

05.07.2018 Present: M/s Sanjeev Sood and Desh Raj Thakur, Additional Advocates General, with Mr. Kamal Kant, Deputy Advocate General, for the appellants/non-applicants.

Mr. Rupinder Singh Thakur and Ms. Shashi Kiran, Advocates, for the respondents/applicants.

CMP No. 5181 of 2018

In CMP No. 9332 of 2017, on the prayer so made by the applicant, this Court had directed the Registry to release the amount which was so deposited in this appeal in favour of the applicant. Thereafter, this Court was apprised by the Registry that in fact present RFA, i.e., RFA No. 264 of 2003 was not decided on merit and the award which stood assailed by way of this appeal was set aside and the matter was remanded back to the learned Reference Court for adjudication afresh.

By way of CMP No. 5181 of 2018, learned counsel for the applicants/claimants has placed on record copy of the fresh award, which was so passed by the learned Reference Court.

On instructions, learned Additional Advocate General has informed the Court that the award so subsequently passed by the learned Reference Court has attained finality, as the same has not been assailed. This Court has also been apprised that setting aside of the earlier award and the remand of the petition was on technical ground, as reference petitioner had died during the pendency of the Reference Petition and the legal representatives had not been

brought on record. This Court has also been apprised that there is no change in the award of compensation, which was earlier awarded in favour of the land owners. This Court has also been apprised that besides the amount deposited in this Court, no additional amount stands deposited by the State after fresh decision in reference petition.

Taking into consideration these facts, Registry is directed to release the amount which is deposited with this Court as per the directions issued by this Court vide order dated 29.03.2018. In addition, as prayed for in CMP No. 5181 of 2019, amount to the share of applicant Joginder Singh be also released as per his share in his bank account, details of which are provided in the said application as per rules.

Application stands disposed of.

(Ajay Mohan Goel)
Judge

July 05, 2018
(bhupender)